



City of Newport Beach

General Plan/LCP Implementation Committee Agenda

Newport Beach Civic Center – 100 Civic Center Drive
Corona del Mar Meeting Room – Bay E - Room 1016
Wednesday, April 24, 2013 - 3:30 p.m. to 5:30 p.m.

Committee Members:

Edward Selich, Council Member (Chair)
Nancy Gardner, Council Member
Rush Hill, Mayor Pro Tem
Michael Toerge, Planning Commission Chair
Bradley Hillgren, Planning Commission Vice Chair
Fred Ameri, Planning Commission Member

Staff Members:

Kimberly Brandt, Community Development Director
Brenda Wisneski, Deputy Community Development Director
Patrick Alford, Planning Manager

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- I. **Call Meeting to Order**
 - II. **Introductions**
 - III. **Public Comment on Non-Agendized Items** (comments limited to 3 minutes)
 - IV. **Local Coastal Program Certification**
 - i. Introduction by staff
 - ii. Implementation Plan
 1. Proposed incorporation into the Zoning Code (Attachment 1)
 2. Proposed segmentation of selected areas of the City (Attachment 2)
 - iii. Review of key issues/update on discussions with Coastal Commission staff (Attachment 3)
 - iv. Preliminary project schedule (Attachment 4)

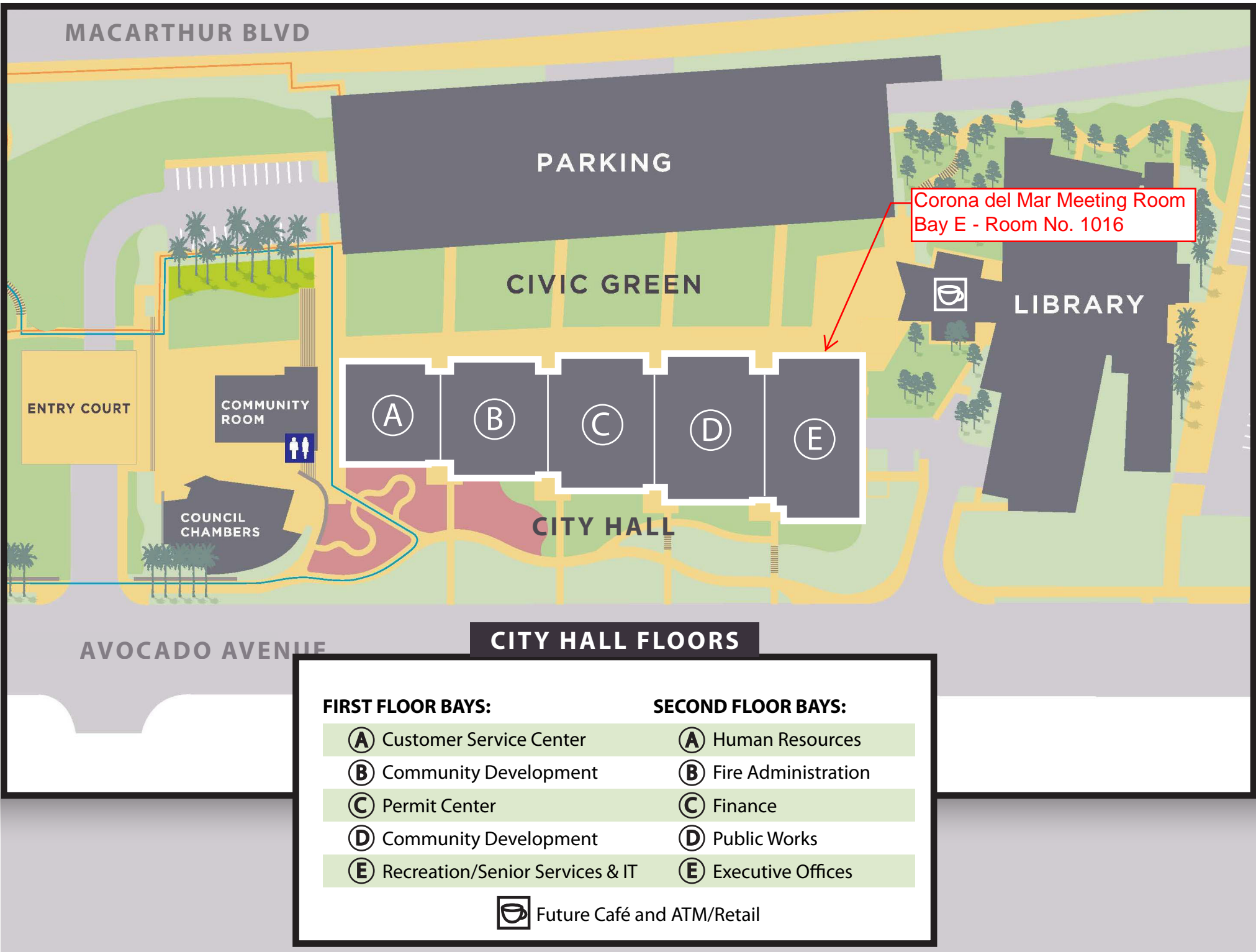
*Recommended Action: 1. Direct staff to proceed with the drafting of the Implementation Plan
2. Provide direction to staff on key issues
3. Review and comment on project schedule*
 - V. **Schedule future meetings**

Recommended Action: Assign regular monthly meetings (e.g., Wednesdays following the second City Council meeting)
 - VI. **Public Comment**
 - VII. **Adjournment** *Next Meeting Date: To be determined*

Please refer to the City Website, <http://www.newportbeachca.gov/index.aspx?page=107>, for additional information regarding the Local Coastal Program.

AN AGENDA FOR THIS MEETING HAS BEEN POSTED AT LEAST 72 HOURS IN ADVANCE OF THE MEETING AND THE PUBLIC IS ALLOWED TO COMMENT ON AGENDA ITEMS.

IT IS THE INTENTION OF THE CITY OF NEWPORT BEACH TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT (ADA) IN ALL RESPECTS. IF, AS AN ATTENDEE OR A PARTICIPANT AT THIS MEETING, YOU WILL NEED SPECIAL ASSISTANCE BEYOND WHAT IS NORMALLY PROVIDED, THE CITY OF NEWPORT BEACH WILL ATTEMPT TO ACCOMMODATE YOU IN EVERY REASONABLE MANNER. PLEASE CONTACT LEILANI BROWN, CITY CLERK, AT LEAST 72 HOURS PRIOR TO THE MEETING TO INFORM US OF YOUR PARTICULAR NEEDS AND TO DETERMINE IF ACCOMMODATION IS FEASIBLE (949-644-3005 OR CITYCLERK@NEWPORTBEACHCA.GOV).



ATTACHMENT 1
LCP Implementation Plan
Summary of Revisions to the Zoning Code

Part 1 Zoning Code Applicability

Chapter 20.10 – Purpose and Applicability of the Zoning Code

Revise Section 20.10.030 to include the LCP:

20.10.030 – Authority, Relationship to General Plan [and Local Coastal Plan](#)

Part 2 Zoning Districts, Allowable Land Uses, and Zoning District Standards

Chapter 20.16 – Development and Land Use Approval Requirements

Add new Section on Coastal Development Permits:

[20.16.055 - Coastal Development Permit](#)

Part 3 Site Planning and Development Standards

Chapter 20.30 – Property Development Standards

Delete Section 20.30.090 (will be added to new, expanded section on public access):

~~20.30.090 – Public Access to Bay Front~~

Chapter 20.36 – Landscaping Standards

Add new section addressing fuel modification adjacent to ESHAs:

[20.36.080 – Fuel Modification](#)

Part 4 Standards for Specific Land Uses

Chapter 20.40 – Off-Street Parking

Add new section implementing CLUP restrictions on preferential (residential) parking districts:

[20.40.140 – Preferential Parking Districts](#)

Part 5 Planning Permit Procedures

Chapter 20.52 – Permit Review Procedures

Add new section on the coastal development permit procedures:

[20.52.110 – Coastal Development Permits](#)

Part 6 Zoning Code Administration

Chapter 20.64 – Appeals

Add new section on appeals of coastal development permits to the Coastal Commission:

20.64.050 – Appeal to the Coastal Commission

Chapter 20.66 – Amendments

Add new section establishing procedures for amendments to the Local Coastal Program (Coastal Land Use Plan and Implementation Plan):

20.66.045 – Local Coastal Program Amendments

Part 8 Maps

Add new map depicting boundaries of City and Coastal Commission permit authority and areas where permits are appealable to the Coastal Commission:

Coastal Development Permit and Appeal Jurisdiction Map

Add new Part 10: Coastal Land Use Plan Implementation:

Part 10 Coastal Land Use Plan Implementation

Chapter 20.100 – General Provisions

20.100.010 – Purpose

20.100.020 – Applicability

20.100.020 – Conflicts with Other Regulations

20.100.020 – Periodic Review and Update

20.100.020 – Segments

A. Banning Ranch Segment (Reserved)

B. Irvine Terrace - Corona del Mar – Shorecliffs - Cameo Shores Segment

C. Newport Coast Segment (Reserved)

Chapter 20.110 – Coastal Zone Development

20.110.010 – Purpose

20.110.020 – General Site Design

20.110.030 – Coastal Zone Subdivisions

20.110.040 – Vacations and Abandonments of Public Rights-of-Way and Easements

20.110.050 – Harbor and Bay Regulations

20.110.060 – Coastal Bluff Protection

20.110.070 – Shoreline Protection

Chapter 20.120 – Coastal Access and Recreation

20.120.010 – Purpose

20.120.020 – Protection of Existing Coastal Access

20.120.030 – Public Access and Recreational Facilities Required

20.120.040 – Determination of Public Access/Recreation Impacts

20.120.050 – Shoreline and Bluff Top Access

20.120.060 – Design and Siting

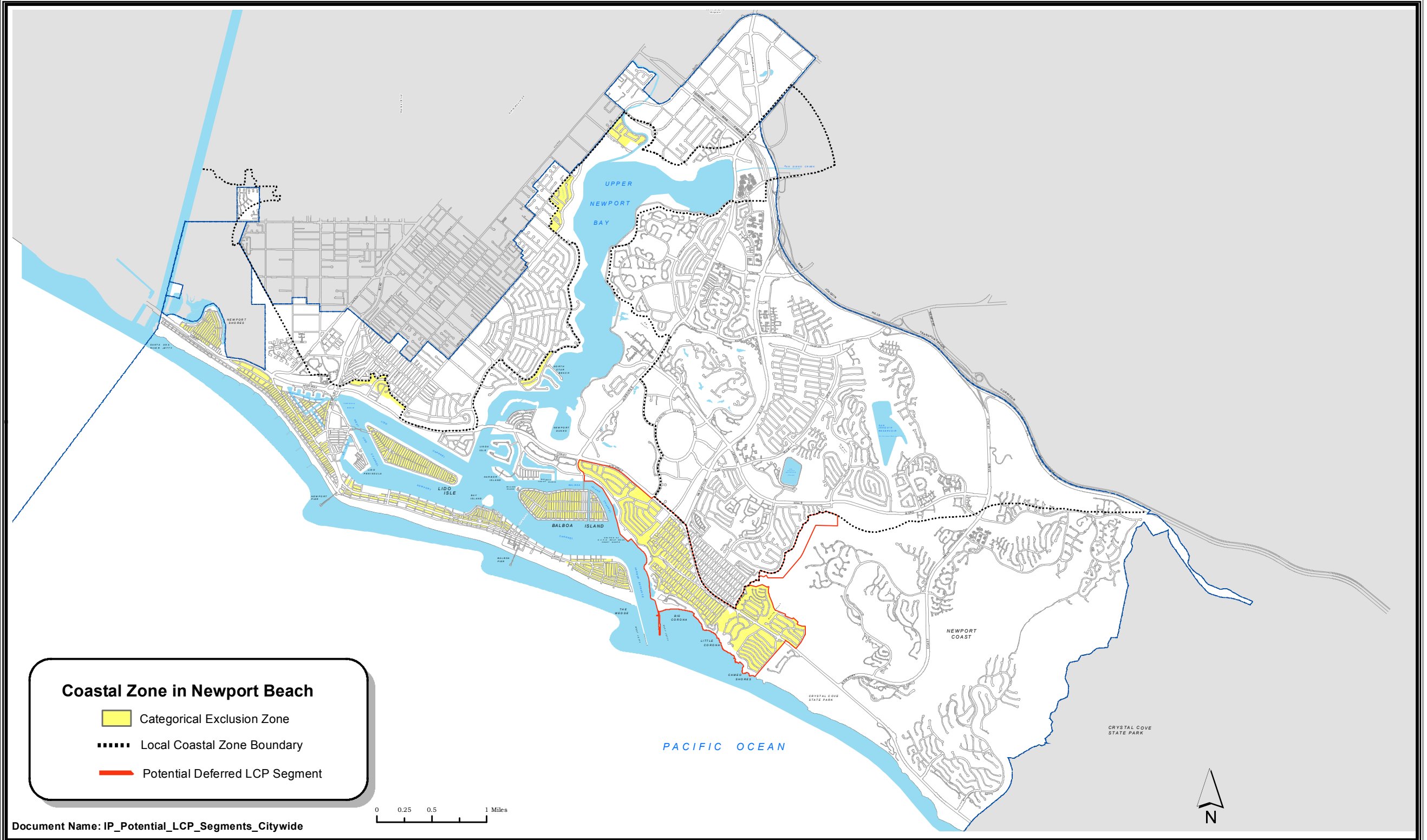
20.120.070 – Access Title and Guarantee

20.120.080 – Timing of Access Requirements
20.120.090 – Management and Maintenance
20.120.100 – Posting
20.120.110 – Joint Use of Parking for Public Access




Chapter 20.130 – Coastal Resource Protection

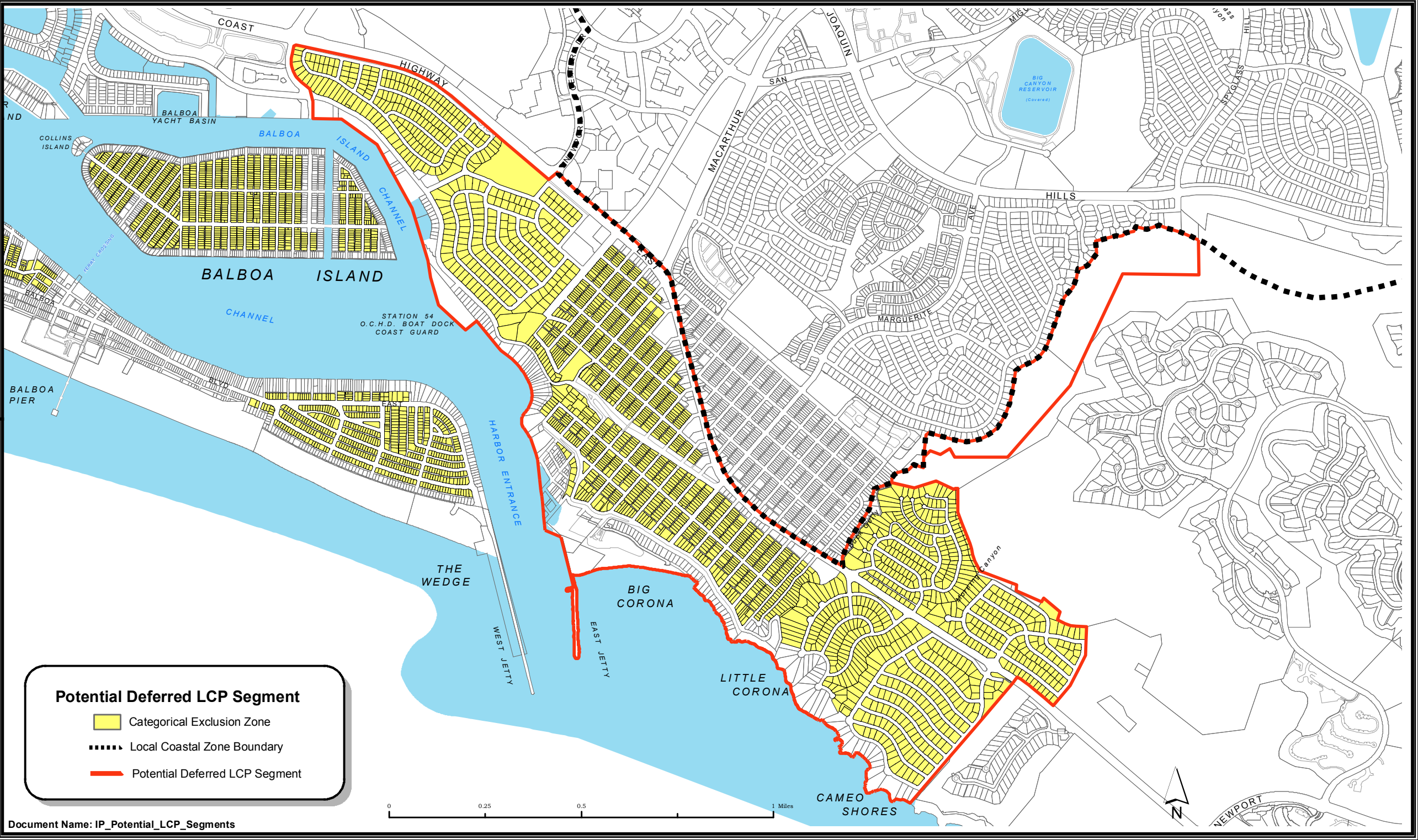
20.130.010 – Purpose
20.130.020 – Sensitive Resource Protection
20.130.030 – Cultural Resources Protection
20.130.040 – Diking, Filling, and Dredging Projects
20.130.050 – Water Quality

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Coastal Zone in Newport Beach

-  Categorical Exclusion Zone
-  Local Coastal Zone Boundary
-  Potential Deferred LCP Segment



ATTACHMENT 3 LCP Implementation Key Issues

1. ISSUE: CONTINUATION OF THE CATEGORICAL EXCLUSION ORDER

DISCUSSION: Since 1977, a categorical exclusion order has exempted most single-unit and two-unit development from the coastal development permit provisions of the Coastal Act. The categorical exclusion order applies to the residential areas of Balboa Island, the Balboa Peninsula, Cameo Highlands, Corona del Mar, Corona Highlands, Irvine Terrace, Lido Isle, Newport Heights, Newport Shores, Shorecliffs, Upper Newport Bay, and West Newport, with the exception of the first row of lots adjacent to the shoreline. Pursuant to the Coastal Act, this categorical exclusion order will automatically terminate after the LCP is certified. The Coastal Commission staff has indicated that they will support reaffirming the categorical exclusion order that would be considered after certification of the LCP. However, it is uncertain if all areas covered by the current categorical exclusion will continue to be exempted under a new categorical exclusion order.

2. ISSUE: EXPANDING THE CATEGORICAL EXCLUSION ORDER

DISCUSSION: The Coastal Land Use Plan (CLUP) includes policies supporting expanding the categorical exclusion to include all residential areas (i.e., multi-family and planned communities) and the commercial area located on the south side of Coast Highway in Corona del Mar. The CLUP also suggests requesting a categorical exclusion for residential areas of Newport Center (Villa Point, Island Lagoon, and Greenville). In the past, Coastal Commission staff has indicated tacit support of this; however, this issue has not been thoroughly vetted.

3. ISSUE: COASTAL BLUFFS AND CANYONS DEVELOPMENT LIMITS

DISCUSSION: The Zoning Code Bluff Overlay District establishes special development standards for projects in identified bluff areas. Coastal Commission staff has received, but has not provided comments on the Bluff Overlay development standards. The City has approved a few projects under Bluff Overlay standards only to receive a negative recommendation by Coastal Commission staff on the coastal development permits for these projects. Furthermore, the Bluff Overlay does not apply to Upper Newport Bay bluff properties. Bluff development is regulated by standard rear setbacks or planned community districts, which may also be seen as inadequate by Coastal Commission staff. Coastal Commission staff may recommend more restrictive

bluff protection standards. If more restrictive standards are adopted, projects approved under the current standards could be made nonconforming.

The CLUP calls for the establishment of canyon development setbacks based on the predominant line of existing development for Buck Gully and Morning Canyon. A Canyon Overlay District was considered, but not included in the Zoning Code. Development standards and/or a development review procedure will be needed to be created in order to implement this policy.

ATTACHMENT 4
LCP Implementation
Preliminary Project Schedule

PHASE I – CITY-WIDE IMPLEMENTATION PLAN

<u>TASK</u>	<u>ESTIMATED COMPLETION DATE</u>
<u>Draft IP</u>	
Administration/General Provisions	May 2013
Public Access and Recreation	June 2013
Coastal Resource Protection	July 2013
Community Workshops	August – September 2013
Notice of Intent/60 Day Review Period	October – November 2013
Finalize Draft IP	November – December 2013
Planning Commission Hearings	January - February 2014
City Council Hearings	March - April 2014
Submittal to Coastal Commission	May 2014
Deemed Complete	August 2014
Coastal Commission Staff Review	July 2015
Coastal Commission Hearings	August 2015
City Council Approval of Final IP	October 2015

**PHASE II – IRVINE TERRACE - CORONA DEL MAR – SHORECLIFFS - CAMEO
SHORES SEGMENT**

To be determined